

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TESFA YOHANCE WALTERS, :

Plaintiff, :

-against- :

CITY OF NEW YORK, DETECTIVE :
STEVEN GORDON, SERGEANT :
JOHN KRIVINSKY, SERGEANT :
VICTOR BRUNO, UC#C0109, :
US#C0089, UC#C0106, SERGEANT :
JOSEPH MUIR, and NEW YORK :
CITY LAW DEPARTMENT, :

Defendants. :

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VITALIANO, D.J.

FILED
IN CLERKS OFFICE
US DISTRICT COURT E.D.N.Y.
★ AUG 9, 2016 ★
BROOKLYN OFFICE

Rec'd
8/9/16
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MEMORANDUM & ORDER

11 Civ. 2819 (ENV) (LB)

Plaintiff Tesfa Walters, who is self-represented, brought this action against defendants, pursuant to 42 U.S.C. § 1983. Defendants moved for summary judgment, and the motion was granted on all claims. Mem. & Order, ECF No. 66. On appeal, the Second Circuit vacated the judgment and remanded the action because pursuant to Local Civil Rule 56.2 was not given as required. In addition to providing that notice, the remand provided plaintiff an additional opportunity to respond to the summary judgment motion. Mandate, ECF No. 71; *but see* Decl. of Service, ECF No. 74-1 (attesting that notice pursuant to Local Civil Rule 56.2 had actually been served on plaintiff with the original motion papers).

As directed by the Second Circuit, the Court provided Walters Local Rule 56.2 notice and granted him 30 days in which to supplement his opposition. Order, ECF No. 72. After the time in which to file a response had passed, Walters notified defendants, but not the Court, that he could be reached at a new address. Letter, ECF No. 74. Local Rule 56.2 notice was again provided him, by both the Court and defendants, at his new address. It also notified him that he

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was granted an additional 30 days to supplement his opposition. Order, ECF No. 77; Decl. of Service, ECF No. 78. The Court has not received any response from Walters, and the deadline for supplemental submissions has long expired. *See* Letter, ECF No. 75.

Having received no evidence or argument beyond what was previously presented, the Court adheres to its original determination of the motion. For the same reasons discussed in the Memorandum and Order, dated July 26, 2014, defendants' motion for summary judgment is granted in its entirety. Mem. & Order, ECF No. 66.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal.

Coppedge v. United States, 269 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment accordingly and to close this case.

So Ordered.

Dated: Brooklyn, New York
July 26, 2016

/s/ USDJ ERIC N. VITALIANO

ERIC N. VITALIANO
United States District Judge